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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,393	07/27/2007	Derya Olgan	042933/312023	8178
826	7590	12/26/2008	EXAMINER	
ALSTON & BIRD LLP			YOUSSEF, ADEL Y	
BANK OF AMERICA PLAZA				
101 SOUTH TRYON STREET, SUITE 4000			ART UNIT	PAPER NUMBER
CHARLOTTE, NC 28280-4000			2618	
			MAIL DATE	DELIVERY MODE
			12/26/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/583,393	OLGEN, DERYA
	<b>Examiner</b>	<b>Art Unit</b>
	ADEL YOUSSEF	2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 September 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3,4,7,8,11-18,20 and 21 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3,4,7,8,11-18,20 and 21 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 06/19/2006 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This action is in response to the arguments filed on 09/11/2008. This action is made **FINAL.**

### ***Claim Rejections - 35 U.S.C. 112, 6th***

Claim 1 is using an element language falling under the scope of 35 U.S.C. 112, 6th paragraph (often broadly referred to as means or step plus function language), the specification must be consulted to determine the structure, material, or acts corresponding to the function recited in the claim. *In re Donaldson*, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994) (see MPEP § 2181- § 2186).

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1, 17, 22 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter "The computer-readable medium" renders the claims non-statutory because in the specification, the applicant doesn't definite the computer-readable medium as "suitable data storage media including digital and analog transmission medium". Since the digital and analog transmission medium is non-tangible medium such as carrier wave and transmission signal, the claimed invention is directed to non-statutory subject matter.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3, 4, 7, 8, 11-18, 20, 21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4, 7, 8, 11-18, 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz et al. (Patent No: 5134719) in view of Anttila et al (PGPUB-No: 2004/0198279).

**Regarding claim 1**, Mankovitz teach a mobile device for receiving supplementary information transmitted with a radio station signal, said mobile device comprising: means for scanning a spectrum of frequencies (mobile user, column 9, lines 65-67, teach the user “means for scanning” to scan up or down the FM band to select a desired broadcast station frequency); means for detecting a plurality of radio stations broadcast within said spectrum of frequencies (Antenna, column 1, lines 15-20, column 2, lines 5-11); means for decoding (radio player, column 4, lines 64, 65), for each of a plurality of detected radio stations (column 9, lines 39, 40, see figure 4), at least one

piece of supplementary information broadcast in conjunction with the plurality of radio stations the supplementary information (column 6, lines 28-34, Mankovitz teach FM broadcast station frequencies in the United States, see figures 1 and 4); except for means for receiving a search criterion, the search criterion comprising a partial or complete name of a radio station: means for generating a set of radio stations whose supplementary information matches said search criterion; and means for displaying the set of radio stations whose supplementary information matches the search criterion; and means for receiving a selection of one of the set of radio stations whose supplementary information matches said search criterion, and selecting one of the set of radio stations from the supplementary information displayed on the display means.

However Anttila teach means for receiving a search criterion, the search criterion comprising a partial or complete name of a radio station (radio player, paragraph 70, fig 17c): means for generating a set of radio stations whose supplementary information matches said search criterion (user, paragraph 71, fig 2, 17d); and means for displaying the set of radio stations whose supplementary information matches the search criterion (screen, paragraph 38; fig 2) and means for receiving a selection of one of the set of radio stations whose supplementary information matches said search criterion (mobile, paragraphs 37, 39, fig 8) and selecting one of the set of radio stations from the supplementary information displayed on the display means (screen, paragraphs 60, 69, see figures 17a, 18). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Mankovitz to include search and select of one of the set of radio stations taught by Anttila in order to provide the user

chooses the SELECT (#414) option, or optionally in response to expiration of a time out period in which DTE (#310) waits for user input, tuner(#328) tunes to the current frequency displayed and begins playing (#410) the audio broadcast received thereby improve more functions.

**Regarding claim 2, (Cancelled).**

**Regarding claim 3,** Mankovitz further teach an apparatus mobile device as claimed in claim 20, wherein said display means is suitable for concurrently displaying a plurality of elements of the set of at least one piece of supplementary information (screen, column 6, lines 28-34, see figure 1, teach the test message which is displayed on a display substantially concurrent with the reproduction of the musical selection).

**Regarding claim 4,** Mankovitz further teach an apparatus mobile device as claimed in claim 20, wherein said display means is arranged to display only one element of the set of at least one piece of supplementary information at a time (screen, column 8, line 13, teach that display text messages).

5-6. (Cancelled).

**Regarding claim 7,** Anttila further teach an apparatus mobile device as claimed in claim 20, wherein said set of radio stations whose supplementary information matches

said search criterion comprises one or more radio stations (paragraph 71, fig 17d).

**Regarding claim 8**, Mankovitz further teach an apparatus mobile device as claimed in claim 20, wherein the set of the at least one piece of supplementary information comprises a piece of supplementary information for each radio station detected having supplementary information broadcast therewith (column 9, lines 40, 49, see figure 4, teach identifying broadcast audio program selections in FM stereo radio broadcast systems, the output signal read as supplementary from the block 72 is provided to an FM detector 74, the output of which is provided to filters 76, 78 and 80).

**9-10. (Cancelled).**

**Regarding claim 11**, Mankovitz further teach an apparatus mobile device as claimed in claim 20 wherein said selection circuitry is arranged to interrupt said scanning means when a radio station is selected (mobile user, column3, 48-62, see figure 4, teach selected musical selection identification information, and for recalling such information at a later time" interrupt", to facilitate the purchase of the album containing that selection and musical selection with sufficient accuracy to enable the subsequent purchase of the album containing that selection) .

**Regarding claim12**, Mankovitz further teach an apparatus mobile device as claimed in claim 20 wherein the supplementary information conforms to at least one of the Radio Data System standard and the Radio Broadcasting Data System standard (column 1,

lines 45-50, column 3, lines 15-21).

**Regarding claim 13**, Mankovitz further teach an apparatus as claimed in claim 20 further comprising receiving circuitry for receiving the radio station signal\_and decoding circuitry for decoding the radio station signal (column 4, lines 64, 65).

**Regarding claim 14**, Mankovitz further teach an apparatus as claimed in claim 20 wherein the radio station signal is an audio signal and the device comprises means a speaker for providing the audio signal to a user (speaker, column 1, lines 45-50, column 2, lines 11-13).

**Regarding claim 15**, Mankovitz further teach an apparatus mobile device as claimed in claim 20 wherein the radio station signal is a frequency modulated signal (column 2, line 16, see figure 1).

**Regarding claim 16**, Mankovitz further teach a mobile device as claimed in claim 20 wherein the radio station signal is an amplitude modulated signal (column 2, line 16, 35-40, column 3, and lines 6-10).

**Regarding claim 17**, Mankovitz further teach an apparatus as claimed in claim 1, further mobile device for receiving supplementary information transmitted with a radio station signal, said mobile device comprising: means for storing the at least one piece of

supplementary information and information relating to a broadcast frequency of each of a plurality of the detected radio stations (Memory, column 1, lines 66-68, column 2, lines 4-6, column 3, lines 50, 65).

**Regarding claim 18**, Mankovitz teach a method comprising: scanning a spectrum of frequencies (column 10, lines 4, 5); detecting a plurality of radio stations broadcast within said spectrum of frequencies(column 1, lines 15-20, column 2, lines 5-11); decoding for each of a plurality of detected radio stations(column 4, lines 64, 65, see figure 4) except for the supplementary information comprising an; receiving a search criterion, the search criterion comprising a partial or complete name of a radio station; filtering the supplementary information to generate a set of radio stations whose supplementary information matches the search criterion; displaying the set of radio stations whose supplementary information matches the search criterion; receiving a selection of one of the set of radio stations whose supplementary information matches the search criterion; and selecting the selected one of the set of radio stations whose supplementary information matches the search criterion. However Anttila the supplementary information comprising an associated radio station name (paragraph 38); receiving a search criterion, the search criterion comprising a partial or complete name of a radio station (paragraph 71, fig 17d); filtering the supplementary information to generate a set of radio stations whose supplementary information matches the search criterion (paragraph 70,fig 17c); displaying the set of radio stations whose supplementary information matches the search criterion (paragraph 60, figures 14 and

15); receiving a selection of one of the set of radio stations whose supplementary information matches the search criterion (paragraphs 37, 39, fig 8); and selecting the selected one of the set of radio stations whose supplementary information matches the search criterion (paragraphs 60, 69, see figures 17a, 18). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of, Mankovitz to include search and select of one of the set of radio stations taught by Anttila in order to provide the user chooses the SELECT (#414) option, or optionally in response to expiration of a time out period in which DTE (#310) waits for user input, tuner(#328) tunes to the current frequency displayed and begins playing (#410) the audio broadcast received thereby improve more functions.

19. (Cancelled).

**Regarding claim 20**, Mankovitz teach an apparatus comprising: scanning circuitry for scanning a spectrum of frequencies (column 10, lines 4, 5); detection circuitry for detecting a plurality of radio stations broadcast within said spectrum of frequencies(column 1, lines 15-20, column 2, lines 5-11); except for decoding circuitry for decoding, for each of a plurality of detected radio stations, at least one piece of supplementary information broadcast in conjunction with the plurality of radio stations, the supplementary information comprising an associated radio station name input circuitry for receiving a search criterion, the search criterion comprising a partial or complete name of a radio station; filtering circuitry for generating a set of radio stations whose supplementary information matches said search criterion; a display for

displaying a set of at least one piece of supplementary information, each of the displayed at least one piece of supplementary information associated with the set of radio stations whose supplementary information matches the search criterion; and selection circuitry for receiving a selection of one of the set of radio stations whose supplementary information matches said search criterion the selection circuitry arranged to select one of the set of radio stations from the supplementary information displayed on the display. However Anttila decoding circuitry for decoding, for each of a plurality of detected radio stations, at least one piece of supplementary information broadcast in conjunction with the plurality of radio stations, the supplementary information comprising an associated radio station name (paragraph 77, teach the radio player application 537 is able to decode the RDS information and, based on the information) input circuitry receiving a search criterion, the search criterion comprising a partial or complete name of a radio station (paragraph 71, fig 17d); filtering the supplementary information to generate a set of radio stations whose supplementary information matches the search criterion (paragraph 70,fig 17c); displaying the set of radio stations whose supplementary information matches the search criterion (paragraph 60, figures 14 and 15); receiving a selection of one of the set of radio stations whose supplementary information matches the search criterion (paragraphs 37, 39, fig 8); and selecting the selected one of the set of radio stations whose supplementary information matches the search criterion (paragraphs 60, 69, see figures 17a, 18). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of, Mankovitz to include search and select of one of the set of radio stations taught by

Anttila in order to provide the user chooses the SELECT (#414) option, or optionally in response to expiration of a time out period in which DTE (#310) waits for user input, tuner(#328) tunes to the current frequency displayed and begins playing (#410) the audio broadcast received thereby improve more functions.

**Regarding claim 21**, Anttila further teach an apparatus as claimed in claim 20 further comprising: memory (#22)for storing the at least one piece of supplementary information and information relating to a broadcast frequency of each of a plurality of the detected radio stations (paragraph 34, 37).

**Regarding claim 22**, Mankovitz teach a computer program product comprising at least one computer-readable storage medium having computer-readable program instructions stored therein, the computer-readable program instructions arranged to instruct a computer to carry out a method, comprising: scanning a spectrum of frequencies (column 9, lines 65-67, teach the user to scan up or down the FM band to select a desired broadcast station frequency); detecting a plurality of radio stations broadcast within said spectrum of frequencies (column 1, lines 15-20, column 2, lines 5-11); decoding for each of a plurality of detected radio stations (column 4, lines 64, 65), at least one piece of supplementary information broadcast in conjunction with the plurality of radio stations(column 9, lines 39, 40, see figure 4) , the supplementary information comprising an associated radio station names (column 6, lines 28-34, teach FM broadcast station frequencies in the United States, see figures 1and 4); except for

receiving a search criterion, the search criterion comprising a partial or complete name of a radio station; filtering the supplementary information to generate a set of radio stations whose supplementary information matches the search criterion; displaying the set of radio stations whose supplementary information matches the search criterion; receiving a selection of one of the set of radio stations whose supplementary information matches the search criterion; and selecting the selected one of the set of radio stations whose supplementary information matches the search criterion. However Anttila teach receiving a search criterion, the search criterion comprising a partial or complete name of a radio station(paragraph 70, fig 17c); filtering the supplementary information to generate a set of radio stations whose supplementary information matches the search criterion (paragraph 71, fig 17d); displaying the set of radio stations whose supplementary information matches the search criterion(paragraph 38; fig 2); receiving a selection of one of the set of radio stations whose supplementary information matches the search criterion(paragraphs 37, 39, fig 8); and selecting the selected one of the set of radio stations whose supplementary information matches the search criterion (paragraphs 60, 69, see figures 17a, 18). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Mankovitz to include search and select of one of the set of radio stations taught by Anttila in order to provide the user chooses the SELECT (#414) option, or optionally in response to expiration of a time out period in which DTE (#310) waits for user input, tuner(#328) tunes to the current frequency displayed and begins playing (#410) the audio broadcast received thereby improve more functions.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any response to this Office Action should be **faxed** to (571) 273-8300 or **mailed to**:  
Commissioner for patents  
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**Hand-delivered responses should be brought to**  
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Randolph Building  
401 Dulany street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adel Y. Youssef whose telephone number is 571-270-3525. The examiner can normally be reached on Monday to Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDERSON MATTHEW can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ADEL YOUSSEF/

Examiner, Art Unit 2618

/Matthew D. Anderson/  
Supervisory Patent Examiner, Art Unit 2618